was often divided and sent by different trains, according to the accommodation available, with the result that the entire consignment did not reach Quilon at one and the same time. If there was delay in removing the tobacco, the railway authorities charged demurrage ; but under the above-quoted rule, the removal by instalments was not allowed by the department. The merchants were thus placed in a difficult position involving great loss. The import and removal of tobacco in instalments should therefore be allowed as before, at least in the case of the *melabhom* merchants.

(3) *Rule 29* (*a*) required that the number of the room in the bankshall in which tobacco was stored should be on each bale. The same *melabhom* merchant often rented several storage rooms in the bankshall and the enforcement of the rule requiring the number ticket to be affixed on each bale caused considerable inconvenience, confusion and delay, whenever tobacco had to be issued. The arrangement was of no practical use even from the Government stand-point. He prayed that the arrangement should be cancelled.

(4) *Rule 33*, *Clause* XIII prescribed certain rates of godown rent for the tobacco stored in bankshalls. The arrangement caused some delay to the merchants in removing the bales, as they had to calculate and pay the godown rent prior to such removal. It also caused heavy loss to the merchants in the case of tobacco lying unsold for long periods. In the interests of merchants, he suggested that a maximum period of two or three years might be fixed for the removal of the tobacco and also a fixed godown rent charged for the storage.

(5) *Rule 39* required the *melabhom* merchants to make their applications for the issue of tobacco before 12 noon each day. It was difficult to gauge the requirements of each day and make application before 12 noon. The time should be extended.

(6) *Rule 41* prohibited any person from entering a bankshall without a ticket of admission from the officer in charge of the institution. It was hard that the *melabhom* merchants and the other traders coming to purchase tobacco from them should be required to take a ticket. They should be exempted from the restriction or the *melabhom* merchants should be permitted to issue their own tickets of admission.

Dewan's reply.—The Excise Commissioner will be asked to report in detail on the Member's representation.

II. PROTECTION.—LEGISLATION, CRIMINAL AND CIVIL JUSTICE, AND REGISTRATION.

(I) Legislation.

21. The desirability of enlarging the Legislative Council on an elective basis, with a non-official majority, and also of allowing it the right of interpellation and the right of discussing the Budget.

Mr. M. Subramonia Pillai (Member, Agastiswaram taluk) said that the subject was one which had been presented to the Government during former sessions also. The privilege of possessing a Legislative Council was first granted to the people of Travancore by His Gracious Highness the Maha Raja in the year 1063. Except for a very slight amendment increasing the number of non-official members, the constitution of the Legislative Council remained the same today as it was when first constituted, more than 25 years ago. It was a matter for speculation why His Highness' Government, which was so assiduously—at times even quite blindly—adopting the principles of administration which were often laid down by the Government of British India, should, in the matter of the improvement of the Legislative Council alone, be so very quiescent. The improvements, which had been effected in the Legislative Councils of India by the Indian Councils' Act of 1909, were matters of public history. The satisfactory way in which those Councils had borne their responsibilities more than fulfilled the expectations with which they were reformed. The fear, which was at one time entertained in certain quarters, that a non-official majority might prove unworkable, had been dispelled. The Imperial

LIBRARY ARCHIVES Kerala Legislative Assembly

Legislative Council, in its intellectual capacity, its business methods, and its varied and expert knowledge, compared favourably with the more anciently placed deliberative assemblies of the world.

The prime purpose which a Legislative Council served in India was, as pointed out in clear terms by Lord Dufferin, "that a Council would often help the Government to dispel the false reports and clear up misconceptions which are embarrassing to the administration".

It was his duty, as a subject of His Highness and as a Member of the Assembly, to point out that, at the present moment, such a misconception existed in the minds of the people of Travancore about the present administration. The impression was growing in the minds of the people that the administration cared more for inflated revenues than for the prosperity of the people or the country, that jobbery and corruption were still rampant throughout Travancore, that officials cared neither for His Highness' interests nor for the interests of His Highness' subjects, that justice in many of the departments of the State could be often more easily bought than secured, that private passions played a very large part in public affairs, that administration during the last few years had been going back upon its traditions, and that, on the whole, the administrative machinery was out of gear in Travancore. It was needless to point out that, if such a misconception was allowed to grow, there would be indeed a very bad day in store for Travancore. If such a misconception existed in Travancore, it was the duty of any administration to remove it.

He next proceeded to consider the means available to the Government to dispel such a misconception. It might be pointed out that the public of Travancore had an easy method of understanding the administration of the country through the Sri Mulam Popular Assembly, that the Assembly, with the comprehensive character of its Members and its greater representative capacity, might more fully voice the feelings of the people than any Legislative Council, with its necessarily limited number, could be expected to do. That was all true enough. But it should not be overlooked that, for one thing, the Assembly owed its existence to Government Proceedings and continued to exist by means of Government Proceedings. The people of Travancore had not an undue amount of confidence in any Assembly whose very existence depended upon the pleasure of the Executive Government. And, moreover, there was no continuity of principle either in the character, working, scope or constitution of the Assembly. It was subject to the whims and caprices of successive Dewans. Started by a well-intentioned and sympathetic Dewan, it had fallen on evil days at present. The Assembly, apart from its being a farce, dug a deep hole in the pockets of the people. It was beyond comprehension why the serious and earnest observations which the Members of the Assembly made and the profound and ready-made remarks of the Government could not be made a matter of communication through the Anchel or the Post Office. The sum of Rs. 10,000, which was more or less spent on the Assembly, might be more profitably spent in other directions. The success of any institution depended upon its being sympathetically treated in its early stages by those concerned. It was nine years since the Assembly was first started, and, within that short period, there had been as many changes in its constitution and procedure. The vagaries of the Government in the matter of election, to take one instance, were unaccountable. There were two Members elected by the ryots of Agastiswaram last year, whereas that number had been reduced to one in the present year. No explanation had been offered by the Government for such a step, probably because the Government thought that they were not bound to give any explanation. It was just such contempt for the opinions of the people that brought into disfavour the present administration. The Government was under the impression that the people of Travancore were not worth consulting and that they had not the necessary intelligence to understand administrative principles. That was a gratuitous insult to the people of Travancore. If the people of the country were such, then it was needless to assert the comparative literacy of the people or to spend such a large amount of money on education.

The Sri Mulam Popular Assembly, as was well-known throughout Travancore, well-known both to the public and the Government, had become a sham. Not only

LIBRARY ARCHIVES Kerala Legislative Assembly

was the Assembly, in reality, more a showy and useless affair, but it was also made the means of making it appear to outsiders that every important administrative step taken in Travancore was being taken in consultation with the people of Travancore through the Assembly. But they (the Members) were, at best, a very respectable body of privileged petitioners whose grievances were exempt from the payment of stamp duty on petitions to Government.

Turning next to the Legislative Council, it was a thing out of date. It was true that a Legislative Council was constituted in Travancore 25 years ago, at a time when a good many sister Native States did not even dream of having one ; but that was all the credit due to it. Much water had flowed beneath the bridge since 1063, when the Legislative Council was first constituted in Travancore. What sensible objection His Highness' Government could make to reforming the present Legislative Council on the basis adopted in British India, yet remained to be seen. The only objection, which was very likely to be made, was that the people of Travancore were not so far advanced as to be taken into the confidence of the Government. Such an objection viewed from one stand-point was an indictment against the several administrations which existed since 1063. The people of Travancore, according to the Census Report, were more literate than the people in the neighbouring countries. Such an objection as that, if put forward by the Government, would be only met by the answer, that the people of Travancore, though not advanced enough to have a share in legislation, were at least intelligent enough to perceive that such a step would place very efficient safe-guards on the excesses of administration in Travancore. There was absolutely no question about the intellectual capacity and public spirit of the people of Travancore. At least, there was no fear of their faring unfavourably in a comparison with people outside Travancore.

The need for an enlarged Council was never so badly felt in Travancore as at the present moment. There were days when Travancore was known as one of the most progressive Native States in India. It was now a matter of ancient history. The only attempt which the Government of Travancore now made to keep up appearances was to inflate its revenues. Inflated revenues were not a sign of the prosperity of the country, any more than elephentiasis was a sign of muscular development. The administration was committing a double blunder, in that it not merely inflated the revenues, but also in that a substantial portion of the revenues so collected was not spent on reproductive works. There had been a good deal of reorganisations ; a large amount of money had been spent for increasing the salaries of already well-paid officers ; but reorganisation did not mean reformation. It was the same old material, newly painted.

Unless the Legislative Council was altogether remodelled, there would not be a continuity of policy in the administration. Somehow or other, it had come to be the settled order of things in Travancore that the Dewan should be a man from outside. The Assembly was not the place to make any remarks on such a state of affairs. Whatever might be the Dewan's intellectual abilities and reputation as a statesman, still, as an outsider, he was unacquainted with the underlying principles and traditions of the administration over which he assumed control. When such a Dewan assumed charge of his duties, unless there was a body to put him in the right way, there was every possibility of his making up his mind to become himself personally acquainted with the local conditions of the country, which, even for heaven-born geniuses, would take two or three years. During that period of his training, there was every chance of his committing grave blunders. Unless there was a limited body of persons, composed of officers acquainted with the administration of the country, there was every possibility of the Dewan miscalculating the whole administration ; and if the Dewan, unfortunately happened to be a man self-opinionated and intolerant of public criticism, there was every danger of his turning out a failure. Therefore, it was absolutely essential for the welfare of the country that there should be an Executive Council in the State like that in Mysore (the Members whereof could also be *ex-officio* Members of the proposed Legislative Council) whose opinions he must gather and must necessarily follow in every decisive administrative step that he took, unless His Highness wished otherwise.

LIBRARY ARCHIVES Kerala Legislative Assembly

It was again that want of continuity of policy which was seen in the enormous increase of revenue during the last few years. That the increase was in no way commensurate with the material advancement and prosperity of the country would be testified to by any one acquainted with the local conditions in Travancore.

Again, the Dewan was without any check placed upon his administrative actions. There was a maxim in law which was as true of Travancore as of any other country and that was "the King can do no wrong", which meant not that the King was incapable of committing a wrong, but that some minister was responsible for every wrong done in the name of the King. In other words, in Travancore, the Dewan was responsible for every executive act done in the name of His Highness the Maha Raja. That was apparently forgotten by people who happened to be Dewans.

Taking all the above things into consideration, it was necessary that there should be an Executive Council. Then, in an enlargement of the Legislative Council, the Members of the Executive Council could also be *ex-officio* members.

Mr. Visweswara Iya, the enlightened Dewan of Mysore, in addressing recently the members of the Legislative Council, said "The Legislative Council was brought into existence nearly seven years ago, with the object, as was stated at the time, of ascertaining the wants and feelings of the people in the enactment of laws and legislations. Considering that the Council itself came into existence so recently, you will agree that, with the instalment of reform now conceded, the development of the Council may be regarded as fairly rapid. In future, the Council will be concerned not only with the work of legislation, but also with matters connected with general administration as well as the preparation of the Budget.....The work of the administration is growing in volume and complexity. As we begin to inquire more minutely into the lives of the people, and to study what is being done in the various departments of State and public life in British India and abroad, we cannot fail to be struck with the inadequacy of our efforts to cope with the needs of the country. If we are not to lose ground, the more important needs at least must receive our unremitting attention.

"For this purpose, His Highness' Government wishes to come into closer contact with the interests which they are charged to promote and they desire more intimate co-operation with the leaders of the people."

It was worthy of note that, whereas in Mysore, the Legislative Council came into existence only seven years ago, the Travancore Legislative Council had been in existence for more than 25 years. While Mysore had effected a very substantial reform within those seven years, the Travancore Legislative Council remained exactly in the same position as it was when first formed 25 years ago, except for a very slight change 15 years back, a change not worth mentioning.

As regards the directions in which improvements should be effected, the Member made the following suggestions:—

(1) The maximum number of Members in the Council should be raised from the present number of 15.

(2) A non-official majority should be maintained.

(3) The representation of minorities should be made by His Highness' Government by nominations.

(4) The Members of the Council should be allowed to discuss the Financial Statement before it was finally passed by the Government, and the Budget itself should be placed before the Council for observation.

(5) The Members should be given the right to propose resolutions and divide the Council on matters of general public interest.

(6) The right to put questions and supplementary questions should be given to Members.

LIBRARY ARCHIVES Kerala Legislative Assembly

(7) No Judge in active service should find a seat in the Legislative Council.

As regards the above suggestions, the Member said that some objections were likely to be raised. It might be asked whether a non-official majority was desirable and whether it might not prove unworkable. His answer was that any undesirable legislation might be checked by the exercise of the power of with-holding assent to the proposed measure by His Highness. The non-official majority must be drawn from a purely electoral basis. The election of members for the respective divisions and of the representatives of agricultural interests might be left to the Assembly ; of course not to the Assembly as it stood at present constituted. The Assembly must be reconstituted and placed on a firmer— if possible on a statutory—basis.

In the reform of the Legislative Council, the Chief Justice of the High Court should not find a seat ; for that matter, there should be no Judge at all in the Legislative Council. Such a practice as that observed in Travancore of nominating the Chief Justice as a Member of the Legislative Council was probably derived from the Legislative Council of the Governor-General, formed in India about 60 years ago. There, that idea was immediately given up. There was no reason why such a system should linger on in Travancore alone.

It might be asked whether the improvement of the Legislative Council was going to prove the salvation of the country. The people of Travancore were perfectly aware that it would not work any miracle. But it was the first step which an ill-treated and helpless people could think of in trying to eradicate the manifold evils of the present administration and the one previous to it.

In conclusion, the Member expressed the hope that his proposal would be favourably considered by the Government.

Expansion and reform of the Legislative Council so as to increase its scope and usefulness.

Mr. K. Parameswaran Pillai, B. A., B. L. (Member, Quilon taluk) conveyed to the Government the gratitude and thankfulness of the Members of the Assembly as well as of the general public for strengthening the Legislative Council, by the addition of four more Members, to the maximum number allowed by the existing law. The representations that he was going to make were practically the same as those brought forward by him at the last session. He proposed to deal with them under three heads, *viz.*, the functions of the Council, its strength, and the method of recruitment of Members. In regard to the functions of the Council, he referred with regret to the fact that the Legislative Council here, which was one of the oldest having been started 25 years ago, remained the same today, though large reforms had, been introduced into the Councils in other parts of India. In his view, it was time enough that some changes were introduced. In the address presented by the Members at the close of the last session, it had been moved, for the sympathetic consideration of the Government, whether the time had not arrived for allowing the Annual Budget to be discussed in the Council and also for granting to the Council the right of interpellation and passing resolutions on subjects of public importance. It could not be said that the country was not ripe for being given those privileges, for Travancore was certainly not behind other States, which now enjoyed those privileges, either in point of education, intelligence or public spirit. On the other hand, it was in advance of them in many respects. The Member thought that it was unnecessary for him to reiterate the reasons for his view, as they had been fully dealt with by him last year.

The question whether the strength of the Council should be increased depended mainly upon the way in which the Government looked upon his first proposal. Because if the Council was to remain for the purpose merely of legislation, there was no need to raise the number of members from what it was now. The present strength was quite sufficient to discuss the Bills brought before the Council. In fact, even a small Committee, composed of gentlemen well-versed in the practice and theory of law, was quite sufficient to help the Government in carrying through the legislative Bills. If, on the other hand, the Government were prepared to go at least to a certain

LIBRARY ARCHIVES Kerala Legislative Assembly